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November 14, 2012

## **Via Electronic Submission**

Ms. Marlene H. Dortch, Secretary Federal Communications Commission 445 12th Street, SW, Room TW-A325 Washington, DC 20554

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## Re: Notice of Ex Parte Communication

Service Rules for Advanced Wireless Services in the 2000-2020 MHz and 2180-2200 MHz Bands, WT Docket No. 12-70; Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, 2000-2020 MHz and 2180-2200 MHz, ET Docket No. 10-142; Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands, WT Docket No. 04-356

## Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, Sprint Nextel Corporation ("Sprint") submits this letter summarizing a telephone conference call on November 9, 2012 that included the following from the Commission: Renee Gregory, Legal Advisor to Chairman Julius Genachowski; John Leibovitz, Deputy Bureau Chief, Wireless Telecommunications Bureau; and Tom Peters, Chief Engineer, Wireless Telecommunications Bureau, and on behalf of Sprint, Larry Krevor, Vice President, Government Affairs; Richard Engelman, Director – Spectrum Resources, Government Affairs; and Stephen Bye, Senior Vice President of Technology Development and Strategy and Chief Technology Officer, and Marc Martin of K&L Gates LLP, counsel to Sprint.

During the call, Sprint reaffirmed its positions already included in the record of the above-captioned proceedings. Sprint reiterated that it remains supportive of DISH's request that the Commission reallocate the S-Band from the Mobile Satellite Service, with only ancillary terrestrial service permitted, to a fully terrestrial mobile broadband service, provided that Sprint's two major concerns are not adversely affected: (1) that there be no diminution or weakening of the PCS G Block interference protections established in the 3<sup>rd</sup> Generation Partnership Project ("3GPP") TS 36.101 and the Commission's rules; and (2) that the Commission makes the H Block fully useful for wireless broadband communications and auctions it expeditiously. The parties also discussed the 3GPP process for Band 23, including the Commission's concerns about the potential for delays. Sprint reiterated its prior commitment stated in its letter of October 2, 2012 to Chairman Genachowski that it is committed to ensuring the rapid conclusion to the

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3GPP process for Band 23 provided that its related concerns are addressed,<sup>1</sup> and is also prepared to take steps at 3GPP to commence H Block-related work in anticipation of Commission action in the near future.

Subsequently, during the 3GPP RAN4 meetings held from November 12-14, 2012, in New Orleans, Sprint took a number of steps to facilitate the 3GPP work involving Band 23. First, Sprint accepted a proposal from DISH to modify TS 36.101 to specifically include limits that are based on current Commission regulatory requirements. 3GPP adopted DISH's proposal and has completed its AWS-4 – PCS G Block interference standards work.

Second, Sprint stated for the record that, once the Commission adopts AWS-4 service rules, 3GPP should be able to complete its work incorporating the Commission's decision into industry standards through the expeditious 3GPP "maintenance change" process rather than more time-consuming processes. In this regard, Sprint does not believe that 3GPP would have to wait to complete its work on Band 23 until the Commission issues a Notice of Proposed Rulemaking and Report and Order addressing H Block service rules.

Pursuant to 47 C.F.R. § 1.1206 of the Commission's rules, this letter is being electronically filed with your office. Please let me know if you have any questions regarding this filing.

Sincerely,

/s/ Marc S. Martin

Marc S. Martin K&L Gates LLP 1601 K Street NW Washington, DC 20006 Counsel for Sprint Nextel Corporation

cc: (via email)
Renee Gregory
John Leibovitz
Tom Peters

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See Letter from Stephen Bye, Chief Technology Officer and Vice President of Technology Development and Strategy, and Lawrence R. Krevor, Vice President, Legal and Government Affairs – Spectrum, Sprint Nextel, to Julius Genachowski, Chairman, FCC, WT Docket Nos. 12-70 and 04-356; ET Docket No. 10-142 (filed Oct. 2, 2012).